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01-348

**From:** "Benjamin Dominguez, Jr." <dominguez.ben@earthlink.net>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/10/02 4:41PM  
**Subject:** THANKS FOR BLOCKING THE DISH ACQUISITION!

Mr. Powell,

OCT 28 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

I am pleased that Dish Network did not swallow DirectTV.

Dish Network's service is awful. Charlie Ergen needs to compete.

Hopefully new players will arrive on the scene.

They have wronged me on a couple of occasions and I'm angry that I have no recourse.

Dish Network customers need a phone number to report abuses by Dish to the FCC.

Dish should provide the number on the billing statement.

Unfortunately, I can't afford to buy another satellite system, so I'm stuck with them.

Imagine: No refunds (for a partial month's usage or overpayment), and a charge to DOWNGRADE service packages!

Thank goodness all businesses are not run like this.

Imagine, if there were no alternative.....

THANK YOU FOR BLOCKING THE MERGER.

Sincerely,

Benjamin Dominguez, Jr.

Palm Coast, FL

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**From:** "Michael Moen" <mmoen@wachoviassec.com>  
**To:** <MPOwell@fcc.gov>  
**Date:** 9/25/02 1:13PM  
**Subject:** relevant competitive landscape per satellite and cable industries

Chairman Powell,

Do you need any more evidence than the following that a combination of DirecTV and EchoStar is a substantial benefit for the consumer, especially including the mandate that the combined entity will provide local channels? It seems evident that relevant competitive industry is all of 'pay TV', read: cable, as opposed to just 'satellites.'

A concerned American consumer disgusted with cable's perpetual monopolistic abuses. (see below)

The Cable Guy Cuts His Rates  
As Customers Flock to Satellite

By PETER GRANT  
Staff Reporter of THE WALL STREET JOURNAL

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OCT 28 2002

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Like death and taxes, sharply rising cable rates have been a certainty for tens of millions of Americans. But that may be about to change.

With growing numbers of people switching to satellite TV, cable companies are under pressure to hold down rates, and one major player has already promised to freeze them in some markets. Several of the nation's largest cable companies are also rolling out cheaper packages that are designed to more effectively compete with the enticing offers from satellite companies.

For couch potatoes, the benefits are most likely to be felt first in St. Louis, Fort Worth, Los Angeles and other markets served by Charter Communications, the fourth-largest cable company. Charter executives have become the most outspoken of the cable companies on the need to stop the customer flight to satellite TV. "We've got to think twice about rate increases," says Carl Vogel, chief executive of Charter, which has 6.8 million subscribers in 40 states.

Charter is taking several big steps to keep consumers from jumping ship. For one, the company is developing a new lower-cost package with fewer channels. And Charter made what for a cable company is a radical pledge: Rates will be frozen in its home market of St. Louis through next year. The move followed a recent rate hike.

And in July, AT&T Corp.'s cable-television business, AT&T Broadband, rolled out several new packages in part designed to "compete against the dish," according to a company executive. One new package costs about \$50 for 150 channels and about \$40 for 100 channels. Previously the lowest-price digital package offered by AT&T, the largest cable company, was about \$43 for 125 channels.

Cable companies, which have been raising rates far faster than inflation for years, have good reason to ease up on consumers. Subscriber growth has been flat or declining for most major companies recently. Satellite, on the other hand, is finally hitting the mainstream, adding about 6,500 new accounts per day, for a total of more than 18 million subscribers.

Why? Satellite is often cheaper. Charter executives say many of the subscribers they've been losing to satellite are signing up for a 60-channel, \$22.99 package with Dish Network, offered by EchoStar Communications. The closest thing Charter currently offers in St. Louis, for example, is a \$45.85-a-month

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package, with 99 channels.

Satellite TV wasn't always cheaper than cable. Launched in 1994 with DirecTV, satellite television initially cost more because subscribers had to shell out up to \$850 for installation and dish equipment. The fledgling service lured cable subscribers primarily by offering many more channels and a clearer digital picture.

More recently, though, satellite companies have eliminated the hookup costs for subscribers who sign up for at least a year of service. Cable providers, meanwhile, have matched satellite's picture quality and channel quantity in many markets. With the competing services now so similar, price is suddenly much more of an issue. "That is the single biggest marketing message our competition has against us," says Mr. Vogel.

Comparing the prices of cable and satellite is tricky. While both have access to the same pool of channels -- from CNN to MTV to HBO -- they don't offer the exact same combinations in their packages. That said, satellite's rates are generally lower, on a price-per-channel basis, according to a 2001 survey by Carmel Group, a consulting firm in Carmel, Calif. Satellite providers charge an average monthly rate of 35 cents per channel for premium service (premium services include pay channels like HBO), while analog cable customers pay \$1.07 and digital cable customers pay 46 cents, according to the survey.

The reason is simple. Cable has been relentless in raising prices over the years, while satellite companies have been much more restrained. The two major satellite providers, EchoStar and Hughes Electronics Corp.'s DirecTV, say they have only increased rates a few times since launching in the mid-'90s -- for a total of less than 10%. By comparison, the cable industry has hiked rates by 31% between 1996 and 2001, according to the U.S. Bureau of Labor Statistics.

So far, most of the other big players say they have no plans to offer rate freezes or cheaper packages. Executives at these companies say they have to raise rates because of rapidly increasing programming costs.

They also say they have competitive advantages. In many areas, for example, satellite companies don't offer local channels. And in the cities where they do, satellite companies make customers pay extra for them, while cable companies don't.

And the satellite companies and retailers are milking the situation. In Des Moines, for example, local satellite retailers stepped up their advertising this summer after Iowa's largest cable company, Mediacom Communications, increased rates for some subscribers as part of its conversion to a digital system. "Come on folks. Have you seen the news lately," asks a radio ad run by Air Waves, a local retail chain, for its DirecTV systems. "Who would have cable?"

The message was enough to sway Andrea Daniel. She and her husband switched to satellite after doing a price comparison. She said the choice was \$80 a month for Mediacom, or \$50 a month for DirecTV, which included a special NFL football channel for her husband.

"I feel like I got everything I had with digital cable, but at a lot cheaper price," says the 27-year-old account executive for a wireless telephone company.

Write to Peter Grant at [peter.grant@wsj.com](mailto:peter.grant@wsj.com)

Updated September 25, 2002

**CC:** <Investor@echostar.com>, <InvestorRelations@hughes.com>

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**From:** L Wallace <lwall99@yahoo.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/10/02 2:04PM  
**Subject:** GM Hughs/Echostar Merger

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Very disappointed in your decision to block the merger.

I am a retired person living in a rural area and depend greatly on Internet access to manage my brokerage and banking accounts. As a DISH subscriber I was looking forward to getting high speed service, looks like it will never happen. I also enjoy greater programming choice, this may also not happen. As for the monopoly and your worry about the increased cost to rural customers, this will give Network providers an opportunity to charge the companies higher rates to provide programming, the two companies therefore will only raise rates in tandem. This also opens the door for a foreigner such as Rupert Murdoch and a media tycoon such as John Malone who does not have consumers in mind but to line his own pockets. I only hope you had consumers in mind and not the latter.

Larry E. Wallace  
lwall@yahoo.com

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**From:** "Evon Miller" <DennisEvon@hotmail.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/10/02 1:15PM  
**Subject:** Merger of Dish and Direct TV

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Dear Sir,  
I am appalled at your decision today to block the merger of the afore mentioned satellite television/internet providers. Living in Tucson , Az I have watched your continued lack of leadership in the digital technology market, most particularly in high definition.

As a consumer, I would have been able to get local channels by satellite after the merger plus with the excess bandwidth, I was expecting a greater availability of high definition television.

You have consistently allowed local broadcasters of the hook in meeting deadlines, while our only local source of HDTV has been by satellite.

What have you proved by this decision? That approximately 12 million satellite subscribers are a threat to almost 70 million subscribers, or are you protecting rural subscribers who I would guess are in the minority of the total satellite subscribers and whose fees for service would be guaranteed as a one price plan under the proposed merger.

I do not write letters, because they rarely do any good. However, I am furious about this decision!

Sincerely

Dennis Miller  
Tucson, Az

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**From:** "Cobb" <cobb@intercom.net>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/9/02 5:16PM  
**Subject:** Merger of Dish net and Directv

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CREATING RECORDS

Sir I dont know if You have had Your vote Yet But Here are my thoughts. When Directv started in 1994 The monthly rate was 29.99 Their first rate increase was in 1999 which put it to 31.99. Dish Network on the other hand started in 1996..They then raised rates in 1997 by 2.00 a month then raised rates in 98 another dollar a month then in 2000 by another dollar a month. Then in 2001 again by another dollar then in 2002 another dollar a month. They started at 25.00 a month in 96 and is up to 31.99 a month. Directv has kept a restraint on prices at Dish network. If the merger is approved then Dish net would be free to set any price they Please. Each time Charlie Ergen has his Charlie Chat He promises to keep prices down But he seem more like a cable co to me By raising them after he says He wont. Also He doesnt have local channels here in Md so We are stuck without them Directv Has Balt locals. I wish I never left Directv as They are a much better co . Also Dish net charges a 5.00 late fee and a 5.00 downgrade fee. Directv Doesnt. May it weigh on your mind forever if this merger is approved. It is not in our favor but is in Dish net favor of no compation. Sincerely Yours Richard Cobb Jr cobb@intercom.net

**CC:** <kabernat@fcc.gov>, <mcopps@fcc.gov>, <kjmweb@fcc.gov>

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**From:** <Imm.61@pocketmail.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/8/02 6:48PM

**Subject:** If the merger between EchoStar and DirecTV is approved by the FCC the subscribers of either service

If the merger between EchoStar and DirecTV is approved by the FCC the subscribers of either service will be stripped of their only choice--if anything, we need some more companies to compete with these two. Many years ago this country realized the danger of a business gaining a monopoly, and such a merger would do exactly that.

No merger, please!

Thank you. Margaret Metheny  
142 Rainbow Dr., #4268  
Livingston, TX 77399-1042

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<http://www.pocketmail.com>

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**From:** "R. Kline" <rvkline@rcn.com>  
**To:** <mpowell@fcc.gov>, <kabernat@fcc.gov>, <mcopps@fcc.gov>, <kjmweb@fcc.gov>  
**Date:** 10/10/02 2:17PM  
**Subject:** Satellite merger

From testimony I have seen on C-Span, prohibiting the merger of the two satellite companies, Echostar and Hughes, is mysterious. There is the argument

for competition in rural areas, but in most other areas one has identical services,

and two companies that cannot by themselves afford original programming, or provide true broadband Internet access. It seems like a large waste of resources.

Nor is there any competition among cable services. In just a few small areas of

the country are there two or more cable companies serving an area. The shoddy service and rapidly increasing prices reflect this. Cable companies are monopolies

almost everywhere they operate, and the only remedy around seems to be a strong and effective satellite industry. Strong enough to provide original programming,

and true broadband, bi-directional Internet connectivity of the sort the cable companies and phone companies just never seem to get around to.

I don't understand exactly why the FCC has rejected the merger, save some statements that farmers beyond the reach of cable systems would not have enough choice. But even people in cities rarely have much choice, and in the case of broadband Internet service DSL and bi-directional cable most often don't exist. Competition is needed there too, and perhaps by letting the satellite

industry achieve critical mass this might happen. Little to none of the competition

imagined after the 1996 Telecom Act has materialized, and much of the reason seems to be because of telephone and cable monopolies already too comfortable financially to do much more.

- Dr. Robert Kline  
Hillsborough, NJ

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**From:** "Kenny Smith" <kenny@writealoan.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/10/02 2:30PM  
**Subject:** You made a mistake in judgement

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Michael(s), Kathleen and Kevin,

I was sad to see that you are opposing the Dish/Direct merger and would appeal that you change your minds.

My wife and I have been Dish Network subscribers for years and support the Dish Network / Direct TV merger. To not allow this is to give CABLE television the monopolistic edge. We switched to Dish because we were sick and tired of no options and crappy service with cable operators. This hasn't changed. Merging these two satellite industry leaders would FORCE cable operators to seriously compete and get serious about customer service to hold their base. We feel this scenario is good for everyone involved and far outweighs any concerns you have with EchoStar and Hughs becoming one company.

Thanks,  
Kenny Smith  
EVP Marketing  
Writealoan.com  
HomesForLoans.com  
770-926-8484  
877-283-8022

**CC:** <kabernat@fcc.gov>, <mcopps@fcc.gov>, <kjmweb@fcc.gov>

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**From:** Scott Herz <bentwookie@mac.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/11/02 12:53AM  
**Subject:** Good decision!

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I would really like to say thanks for saving DirecTV from themselves. I've been a very happy DirecTV customer for the past three years while my friends have dealt with ever worsening service and value from digital cable and the Dish Network.

You couldn't be more right about DirecTV competing well on their own. Their customer service is top notch and they really seem interested in pushing their system forward. I don't think I'd be able to say the same about a merged system.

Once again, thanks!

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**From:** <Sam\_Phipps@conning.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/10/02 1:56PM  
**Subject:** WHY MAKE US WAIT FOR THE CABLE COMPANIES

OCT 28 2002

FEDERAL COMMUNICATIONS COMMISSION  
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Why did you stop the merger of DirectTV and Dish network? I have a HDTV system in my home but I can only get two channels that broadcast HDTV. DirectTV and Dish waste tons of bandwidth broadcasting the same stuff if they were allowed to merge that would only help America make the transition to DTV. With all the extra bandwidth America can start watching TV like it was meant to be enjoyed. Why are you making us wait until the Cable companies get their act together. I understand that the cable companies must be flooding you guys with money to block this merger and it looks like money has won again. I just wish for once someone in Washington will do the right thing instead of fattening their pockets. I'm not saying that your a crook but could you please explain to me why this merger is a bad thing.

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**From:** "Martin, Brad" <MartinB@c-change.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/10/02 6:20PM  
**Subject:** Thank You

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Thank you for stepping in front of the EchoStar-DirecTV sale. Just a few miles north of Houston, satellite is my only access, as off-air signals are weak and cable is unavailable. I was facing a no-choice scenario and likely obsolete equipment despite "fuzzy" promises.

This was a good day for consumers.

Brad Martin  
Houston, TX

**CC:** <kabernat@fcc.gov>, <mcopps@fcc.gov>, <kjmweb@fcc.gov>

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**From:** "Shannon" <sterling@anv.net>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/11/02 2:28AM  
**Subject:** Cable

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Dear Mr. Powell;

I'm writing to inform about Cox Communications in Las Vegas, NV. Despite the fact that Direct TV is also available Cox has a monopoly here in Vegas.

As our population goes up so does their prices. We have a large senior population who are on a fixed income and most of which don't leave home that often. Cox has no concept of 'fixed income'.

I thought it was against the law to have a monopoly yet Cox goes unchecked.

Sir is there any way that you can look into their practices and perhaps give the little guy a break on their thievery.

Any thing you can do will be greatly appreciated.

Respectfully,  
Shannon McDaniel  
(handicapped and on a fixed income)

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**From:** "Larry H" <answerman123@attbi.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/11/02 2:58PM  
**Subject:** Merger

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Your decision to block the merger of Direct TV and Dish Network has HURT the consumer. If the merger is allowed, Americans will actually have more choice and not less. The merger will also help my Father get High Speed Internet access where he lives in rural America. Cable TV is a monopoly and they are allowed to merge any time that they wish. In the last 10 years my cable company has had 6 different owners and it still offers poor quality service. Is this a double standard or what? I urge you to reverse your decision.

Sincerely,

Larry Hummrich

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**From:** <LMM.61@pocketmail.com>  
**To:** <mpowell@fcc.gov>  
**Date:** 10/8/02 2:19PM  
**Subject:** If the merger between EchoStar and DirecTV is approved by the FCC the subscribers of either service

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If the merger between EchoStar and DirecTV is approved by the FCC the subscribers of either service will be stripped of their only choice--if anything, we need some more companies to compete with these two. Many years ago this country realized the danger of a business gaining a monopoly, and such a merger would do exactly that.

No merger, please!

Thank you. Margaret Metheny  
142 Rainbow Dr., #4268  
Livingston, TX 77399-1042

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**From:** "Mark J." <oceanspray60@yahoo.com>  
**To:** <mpowell@fcc.gov>, <rali35@comcast.net>  
**Date:** 10/5/02 1:18AM  
**Subject:** Dear Mr. Powell, Let me ask you to please vote against the merger of two large corporate entities, s

Dear Mr. Powell, Let me ask you to please vote against the merger of two large corporate entities, specifically, the Echo Star/ Direct TV buyout. I have moved from cable to satellite because of the loop hole in the U.S. anti-trust laws. There is a monopoly amongst the cable companies, (as I have no choices of cable companies from which to choose a service). This has created a price gouging cable market, the reason which I have chosen the satellite programming. I do not wish to pay for over priced programming because I have no choices amongst the satellite companies, like I had to with the cable companies. Are you willing to set up the same scenario, with the satellite companies defying Congress, as the cable companies have?? Free market is supposed to mean just that. If we do not have choices, where is competition, and capitolism, thus democracy, suppose to benefit us all? There is much more tax revenue to be had with more companies to pay the taxes. But that is economics 101! , and I am sorry, but I don't wish to imply that you don't know this. If there isn't competition, how are American businesses supposed to reap profits, making more revenue to tax?? How can our government condone the systematic "skirting" of our anti-trust laws? Just because there is more than one company in the same industry, doesn't mean there is no monopoly. Lets Take a look at the power industry, like gas and electric. Hmmmmm, no choices there either!! I don't want DTE, so I'll shop for my electricity.... where??? Is this the American way? Sounds Like the Soviet Union to me. Sincerely, Mark E. Jonczy, registered Michigan voter (ps., not only do I pay for satellite, but advertising also pays for the programming. Hmmmmm...) .....

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**From:** "Rosemary Hennessy" <rch@camano.net>  
**To:** <mpowell@fcc.gov>  
**Date:** 9/30/02 4:08AM  
**Subject:** Proposed merger of DISH and DIRECTV

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In April I sent the attached message regarding the proposed merger. I recently changed to DIRECTV and am much happier with the service than I was with DISH Network. At the time I contacted DISH to inform them of the change they informed me that the merger was definitely going through and that in the near future it would not matter which company I was with.

It matters very much to me that, as a consumer, I have a choice! I understand that large corporations do not care about the individual consumers but my expectation is that your group does. Please do not take away consumer choice in favor of corporate greed. This monopoly should not be allowed to form.

Thank you for your time.

Rosemary C. Hennessy  
1487 SE Camano Drive  
Camano Island WA 98282

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**From:** "Coleen Borrego" <coleenb@sbcglobal.net>  
**To:** <mpowell@fcc.gov>  
**Date:** 9/7/02 3:51PM  
**Subject:** no bigger media conglomerates

01-348

Mr. Chairman,

I respectfully object to permitting media organizations to become any bigger than they already are. We need more, not fewer, media sources so we are given different angles on the same stories, as well as truly different stories.

Please reconsider the idea of changing the regulations.

Sincerely,  
Coleen Borrego  
Davis, CA

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**From:** Matt Drury <himself@mattdrury.net>  
**To:** <mpowell@fcc.gov>, <kabernat@fcc.gov>, <mcopps@fcc.gov>, <kjmweb@fcc.gov>  
**Date:** 9/4/02 7:56AM  
**Subject:** Against the Directv/Echostar merger

Mr. Chairman and Commissioners,

I urge you to not support the Directv/Echostar merger currently under consideration. As a consumer who chooses the best company for a given product, I looked into both companies' offerings carefully before signing up, from picture quality to customer service. I found that Directv was best overall, and subscribed to them.

A merger - especially one that would form an effective DBS monopoly - does not at all strike me as being in the consumer's best interest, especially if Echostar became the primary company involved. From a customer service standpoint alone, my calls to them before choosing their competitor showed a lackluster attitude towards the people who support them, and my concern is that the merger would force that corporate philosophy over the more consumer-friendly attitude I've found with Directv.

One of the issues I understand is on the table is that of limited satellite broadcast of local stations. If the current FCC restrictions on those were lifted, it would address one of the points the merger is attempting to address, without resulting in less choice for citizens and a "take what we choose to give you and like it" philosophy that is the likely result of a monopoly.

You have the power to prevent a merger that will ultimately harm the consumer. Please consider everyone's needs when making your decision.

Thank you for your time.

Matt Drury  
2709 E Church St  
Orlando FL 32803-6300  
407/895-8374

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**From:** "Steve" <steve@downtowncomputing.com>  
**To:** <mpowell@fcc.gov>, <kabernat@fcc.gov>, <mcopps@fcc.gov>, <kjmweb@fcc.gov>  
**Date:** 9/3/02 11:59PM  
**Subject:** I oppose the EchoStar-HUGHES/DirecTV merger

Mr. Powell, Ms. Abernathy, Mr. Copps, and Mr. Martin,

I am writing to you to express my opposition to the EchoStar-HUGHES/DirecTV merger. I am a current DirecTV customer and I believe that the merger would eliminate competition. Proponents of the merger say that digital cable provides competition, but in reality is competition between EchoStar and DirecTV that keeps both moving forward. Digital cable services in my area are far inferior to DirecTV.

Furthermore, I would ask that the FCC re-evaluate rules regulating broadcast of "non-local" local channels. The broadcast of local channels is another issue that proponents seem to use, but this rule should be eliminated. This rule makes me wonder why it is OK for me, a resident of Massachusetts, to go to my local bookstore and buy newspapers from New York, Washington DC, and Los Angeles. If the rules about newspapers were the same as they are for TV, it would be illegal for my bookstore to carry those newspapers. There is no good reason for this rule to exist. It would be crazy for other media, and it IS crazy for TV. The market is different today than it was. There's no reason for government rules to help prop-up a broken business model.

Regards,  
Steve Owen  
Shrewsbury, MA

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**From:** "Michael Hughes" <sandproof@earthlink.net>  
**To:** <mpowell@fcc.gov>  
**Date:** 8/2/02 3:50PM  
**Subject:** Disregard all emails forwarded via Echostar, since they "have designed their site to forward emails of support".

Chairman Powell,

I admire your dad and believe that you must be an honorable person.

Therefore, I ask you:

1. Please disregard all emails forwarded via Echostar or Dishnetwork, since by their own admission, their "website is designed to forward letters of support to the FCC and Congress". I read this to mean that they automatically search for key words that indicate non-support and that they will probably not forward emails that don't support the merger.
2. Do not approve this merger, for which there can be no justification. If you do so, you will contribute to destroying free enterprise and to more fiascos like Worldcom, Adelphi, Enron and Global Crossing. We all know now that Mega-mergers are great for covering up irresponsible accounting.
3. Please warn members of congress that the Dishnetwork web sites are designed to forward only letters of support.

Please protect us better than your predecessors did.

Sincerely,

Mike Hughes

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OCT 28 2002

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